

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1939.02
COMPLAINT INVESTIGATOR: Connie Rahe
DATE OF COMPLAINT: August 16, 2002
DATE OF REPORT: September 13, 2002
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: January 31, 2003

COMPLAINT ISSUES:

Whether the Gary Community School Corporation violated:

511 IAC 7-25-4 by failing to complete an educational evaluation and convene a case conference committee within 60 instructional days of the school's receipt of written parental consent:

- (a) during spring semester 2001;
- (b) in January 2002; and
- (c) in April 2002.

FINDINGS OF FACT:

1. The student ("Student") is 14 years of age, has completed grade eight, and had been referred, but has not been determined eligible for special education services.
2. The Complainant contends that she had signed permission to evaluate/referral forms on three occasions. The School conducted testing, but at no time was a case conference committee (CCC) meeting scheduled to determine eligibility for special education services.
 - a. The Complainant reports the referral/permission to evaluate was first signed by the parent spring semester of 2001. Neither the Complainant nor the School could provide documentation or an exact date when the initial consent to evaluate was provided by the parent.
 - b. The Complainant further contends that at a meeting to discuss the Student's transition from an alternative school setting back into the home school on January 23, 2002, she again signed permission to evaluate forms.
 - c. On April 9, 2002, a representative of the School contacted the Complainant and requested that forms consenting to an evaluation be signed once more. The School scheduled no CCC meeting.
3. The School concurs with the Complainant's report (Finding of Fact #2) and provided a memo dated April 9, 2002, advising staff that the referral had been lost and the 60-day timeline to convene a CCC to review eligibility was already past. The School reported to the Division that a psychological evaluation was conducted on April 25, 2001, and an educational evaluation was completed on May 25, 2001, but a subsequent CCC meeting to determine eligibility was not scheduled.

CONCLUSION:

1. Findings of Fact #2 and #3 indicate that the School completed the Student's comprehensive educational evaluations but did not convene the CCC within sixty instructional days of the date of the Complainant's written consent in spring semester of 2001. Therefore, a violation of 511 IAC 7-25-4 is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Gary Community School Corporation shall:

1. Convene the CCC to:
 - a. Review evaluations, along with the parent's input, to determine if additional assessments are needed to update the Student's present levels of performance. The CCC shall also determine eligibility and develop an IEP.
 - b. Determine whether, and to what extent, compensatory services are to be provided as a result of the extended delay in meeting the timeline for determining eligibility and initiation of services after parent permission had been granted. The CCC's discussion and consideration of compensatory services shall be clearly delineated in the CCC report. A copy of the CCC Report/IEP shall be submitted to the Division within 5 days of the CCC meeting, but no later than October 2, 2002.
2. Send a written reminder to all school administrators and special education personnel, stating the requirements of 511 IAC 7-25-4, with emphasis on the requisite timelines. A copy of the written memorandum and a list of those who received it shall be submitted to the Division no later than October 2, 2002.